April 3, 2009

Dear Westford residents,

A letter from the *Massachusetts Slow Growth Initiative* was recently mailed to town residents. The Board of Selectmen, the assistant town manager, and I have all received emails from concerned residents as the letter implied that the town has not adopted a growth management bylaw or regulation, and further, that we have ignored the costs of growth in our town.

First of all, I would like to thank you for sharing your concerns and suggestions regarding the Chapter 40 Bylaw and the recently approved “Jefferson at Westford” development.

Regarding the financial and non financial impacts of large dense 40B projects on the town budget, please be advised that the town’s project review process now requires developers to submit reports documenting said impacts. In turn, the town’s review boards circulate the development proposals to town departments (assessors, public safety, schools, general government, water &, highway) for review as well as to independent peer review agencies.

Most importantly, the local review boards now require fiscal impact review. This is above and beyond the financial proforma review allowed under the 40B law. The fiscal impact review is an independent evaluation of the proposed development’s fiscal impact upon the town’s municipal services. Coupled with this measure is the zoning bylaw’s mitigation provision by which town review boards may impose reasonable conditions requiring developers to design and construct offsite improvements to municipal facilities. The "Jefferson" development was subjected to this review process and its certificate of approval requires the developer to fund traffic improvements at Route 110/Tadmuck intersection.

As to 40B being the only way to create affordable housing and meeting the 10% threshold, the town has proactively taken steps to increase its capacity to deliver the much needed affordable housing . These measures include: adopting Community Preservation Act; creating an affordable housing trust fund; developing a housing production plan; strengthening the “inclusionary zoning” provisions of the town’s zoning bylaw; completing feasibility studies on town owned parcels; and partnering with local nonprofits to create affordable housing that is consistent with Westford’s character.

All the above-mentioned efforts and measures are designed to assist the town to succeed in complying with the state’s affordable housing laws in a manner that protects the town’s public health, finances and infrastructure while meeting the need for affordable housing in town.

As you may know, Westford has always cared about managing growth. The town’s growth management bylaw, the recently completed comprehensive master plan and the robust program to purchase large open space parcels (East Boston Camps, Stepinski land, etc) attest to the town’s commitment to this principle as well as limiting the impact of large developments on the town’s revenues.

Your comments are well-taken and I will forward them to the town’s review departments and boards for their consideration when reviewing large and dense 40B developments.

Specifics:

1. The letter directs residents to call Board of Selectmen to “instruct” ZBA to say no to 40B applications. The letter misdirects residents. It is the ZBA that has full authority to review 40B applications and not the Board of Selectmen. It will be unethical for one town board to instruct another town board on how to exercise its authority given to it by law.

2. The letter directs Town Manager to direct Ross Altobelli, incorrectly referred to as Development Director, to develop a development strategy and to consider the costs of growth. The town has approved a very long list of growth management tools including a cap on the number of building permits issues per year, a master plan, overlay zoning districts, etc.

3. The letter states that this Massachusetts Slow Growth Initiative has advocated for a sustainable development policy in Westford. We have no record of such advocacy.

4. The letter states that “affordability restrictions” on the remaining units are grossly inadequate to meet the needs of local residents. Proof from the town ‘s past lottery process confirms that the sale prices and rental rates meet the needs of most of the individuals and families who qualify for such housing. The needs assessment conducted during the preparation of the Affordable Housing Plan ensures that the town’s marketing and lottery process is designed to meet local needs.

5. The letter treats "for sale developments" and "rental developments" similarly relative to the percentage of affordable units allowed in a development and the number of units that count towards the town's subsidized housing inventory (SHI). That is not true. For example at JPI, which is a rental development, all the 308 units will count towards the SHI. This fact also makes the statement made in the letter that it will be "impossible" for town to reach the 10% null and void. Per the town's Affordable Housing Production Plan it is projected that Westford could reach the 10% threshold in 2013. To date, the town has far exceeded this projection and is closer to the 10% goal than initially projected.

6. The reference to 40B ruling out redevelopment does not apply in Westford. The town has utilized a redevelopment zoning bylaw, namely the Mill Conversion Overlay District bylaw, to create both rental and ownership affordable units at Brookside Mill and Abbot Mill.

7. The inference that Westford does not have an inclusionary zoning regulation is not true. The town has several regulations that provide for creation of affordable housing through the standard subdivision process and redevelopment regulations.

8. The letter states that a unit at JPI will cost the town $40,000 more, which is unsubstantiated. The fiscal impact peer review of the development concluded the following:

   Total revenues include new property taxes, and other receipts, subtracting the existing taxes on the subject property and the change in state funding that will likely occur as a result of this development. As indicated total projected revenues are estimated to be $563,000 per year. The table includes a low estimate (407,000 per year) and a high estimate ($481,000 per year). The range depends on the number of school children. This results in a range of net revenue surplus of $81,000 to $155,000. Given the transitory nature of rental housing, the high and low estimates represents a reasonable range of fluctuation.

   Fiscal Impact Summary

	Low Estimate	High Estimate
New Property Tax	505,555	505,555
Existing Property Tax[1]	(23,900)	(23,900)
Other Receipts	57,069	57,069
Total Revenues	**562,624**	**562,624**
Non-school Municipal Services	226,994	226,994
School Costs	180,500	254,500
Total Costs	**407,494**	**481,494**
Net Revenue	**155,126**	**81,126**
Cost/Revenue Ratio*	0.72	0.86

   *A cost/revenue ratio of less than 0.95 indicates that a project will have a relatively positive fiscal impact; greater than 1.05 indicates a negative impact, while 1.00 breaks even. The findings from this analysis confirm, as suggested in the Connery Analysis, that the development can be expected to generate a net revenue surplus for the Town in terms of annual receipts and operating costs.

   We hope this helps to clarify any questions. Thank you.

   Sincerely,

   Jodi Ross